IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 13159 of 2004

Between:

1 C.Laxmaiah S/o Ramchandraiah
2 C.Jagadeshwar S/o C.Laxmaiah
3 Smt. Shashi Kalavathi W/o Krishna
4 Smt. R.Jayasri W/o R.Babu
(All are residents of H.No.4-67, Saroornagar

Village and Mandal , R.R.District)

..... PETITIONERS

AND

1 The Chief Commissioner of Land Administration, Nampally, Hyderabad
2 The Collector, Ranga Reddy District at Lakdikapool, Hyderabgad
3 The Mandal Revenue Officer, Saroornagar Mandal, R.R.District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of Writ Of Mandamus, declaring the action of the respondent Nos.2 and 3 in attempting to demolish the structures raised in Plot Nos. 7 to 11, 30 to 34 41 to 46 and 49 to 51 forming part of Sy.No.9/1/J situated at Saroornagar Village and Mandal, R.R. District during the pendency of the case before the 1st respondent as illegal arbitrary, unjust and violative of Article 19 and 21 of the Constitution of India, and consequently direct respondent Nos.1 and 2 not to resort to any illegal acts.

Counsel for the Petitioners: MR.P.NAGESWARA RAO, Advocate.

Counsel for the Respondents: Govt. Pleader FOR REVENUE.

The Court made the following:

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Oral Order:

Heard the learned counsel for the petitioners and also learned Government Pleader for Revenue.

Rule Nisi.

Petitioners claim to be the absolute owners and possessors of land in plot Nos.7 to 11, 30 to 34, 41 to 46 and 49 to 51 forming part of Sy.No.9/1/J, in all measuring 3752 square yards, situated at Saroornagar Village and Mandal, Rangareddy District having purchased the same under a registered sale deed dated 11-07-1988. When the petitioners made an application with the 2nd respondent seeking No Objection Certificate (NOC) on 10-07-2001, the same was not issued. Hence, they moved this Court in W.P.No.19519 of 2001, which was disposed of directing the respondents therein to consider the application of the petitioners and pass appropriate orders. Pursuant to the order passed by this Court in the above writ petition, the 2nd respondent issued NOC in favour of the petitioners on 15-04-2002. On obtaining NOC, petitioners made an application to the L.B. Nagar Municipality seeking to grant

permission for construction over the above said land. Basing on the NOC the Municipality granted permission to the petitioners on 29-04-2003. While so, on 15-09-2003 the 3rd respondent along with his staff visited the site of the petitioners and intimated that the 2nd respondent is proposing to conduct auction of certain plots in Sy.No.9/6 and 9/7 of Saroornagar Village. In view of the same, petitioners made a representation to the 1st respondent on 15-09-2003. Acting on the said representation the 1st respondent called for a detailed report from the 2nd respondent by proceedings dated 30-06-2004. Alleging that when the 1st respondent seizes the matter 3rd respondent is trying to dispossess the petitioners from their land they moved this Court by way of present writ petition.

Learned Counsel for the petitioners is unable to explain why the petitioners have not moved the Collector, if really there is threat from the 3rd respondent.

In view of the same, it is always open for the petitioners to move the 1st respondent where the matter is pending by making an application not to disturb their possession. If any such application is filed, it is needless to add that the 1st respondent is under obligation to pass appropriate orders.

The writ petition is accordingly disposed of. No costs.

_____ A.GOPAL REDDY, J.

29-07-2004

Note: Issue CC in two days.

(bo)

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Chief Commissioner of Land Administration, Nampally, Hyderabad
2 The Collector, Ranga Reddy District at Lakdikapool, Hyderabgad
3 The Mandal Revenue Officer, Saroornagar Mandal, R.R.District

4.Two CCs to the Govt. Pleader for Revenue, High Court Buildings,

Hyderabad (OUT)

5 Two CD copies.